

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA

Sherwood, et al. v. Horizon Actuarial Services, LLC, No. 1:22-cv-01495-ELR
A court has authorized this notice. This is not a solicitation from a lawyer.

If You Were Impacted by the Horizon Actuarial Data Security Incident, You Could be Eligible for a Payment from a Class Action Settlement

- You may be eligible to receive a payment from a proposed \$8,733,446.36 non-reversionary class action settlement (the “Settlement Fund”).
- The class action lawsuit concerns a data security incident that occurred in November 2021 (the “Data Security Incident”) involving Horizon Actuarial Services, LLC. (“Horizon Actuarial” or “Defendant”) in which it was determined that an unauthorized third party may have gained access to certain Horizon Actuarial servers containing personal information of individuals associated with the multiemployer benefit plans Horizon Actuarial services, including names, Social Security numbers, dates of birth, and benefit plan information (“Private Information”). Horizon Actuarial denies any wrongdoing and denies that it has any liability, but has agreed to settle the lawsuit on a classwide basis.
- To be eligible to make a claim, you must be a member of the Settlement Class, meaning an individual whose personal information may have been impacted during the Data Security Incident, including those individuals who received a letter from Horizon Actuarial notifying them of the Data Security Incident.
- Eligible claimants under the Settlement Agreement will be eligible to receive one, two, three and/or four of the following Settlement benefits:
 - ❖ **Out-of-Pocket Losses:** Reimbursement up to \$5,000 for the actual amount of unreimbursed out-of-pocket losses or expenses related to the Data Security Incident, with supporting documentation of the monetary losses or expenses;
 - ❖ **Lost Time:** Compensation of up to \$125 for time spent dealing with issues related to the Data Security Incident, including but not limited to reviewing your accounts, enrolling in credit protection services, or responding to fraud, identity theft, or other alleged misuse of your personal information that is fairly traceable to the Data Security Incident;
 - ❖ **California Resident Cash Payment:** Compensation of up to \$50 for eligible California residents and/or,
 - ❖ **Cash Payment:** Up to a \$50 cash payment from the Settlement Fund for all Class Members who claim it, that will be decreased pro rata depending on the number of valid and approved claims made.

Questions? Call 1-877-395-9210 or visit www.horizondatasettlement.com.

- For more information or to submit a claim visit www.horizondatasettlement.com or call 1-877-395-9210 Monday through Saturday, between 8:30 a.m. and 5:00 p.m. E.T.
- **Please read this notice carefully. Your legal rights will be affected, and you have a choice to make at this time.**

	Summary of Legal Rights	Deadline(s)
Submit a Claim Form	The only way to receive payment.	Submitted or Postmarked on or Before February 21, 2024 .
Exclude Yourself By Opting Out of the Class	Receive no payment. This is the only option that allows you to keep your right to bring any other lawsuit against Defendant for the same claims if you are a Settlement Class Member.	Submitted or Postmarked on or Before January 22, 2024 .
Object to the Settlement and/or Attend the Fairness Hearing	You can write the Court about why you agree or disagree with the Settlement. The Court cannot order a different Settlement. You can also ask to speak to the Court at the Final Approval Hearing on March 25, 2024 about the fairness of the Settlement, with or without your own attorney.	Received on or Before January 22, 2024 .
Do Nothing	Receive no payment. Give up rights if you are a Settlement Class Member.	No Deadline.

- Your rights and options as a Settlement Class Member – and the deadlines to exercise your rights – are explained in this notice.
- The Court still will have to decide whether to approve the Settlement. Payments to class members will be made if the Court approves the Settlement and after any possible appeals are resolved.

What This Notice Contains

Basic Information.....3

Who is in the Settlement4

The Settlement Benefits—What You Get if You Qualify.....4

How do You Submit a Claim.....5

What Does Defendant Get5

Excluding Yourself from the Settlement.....6

Objecting to the Settlement6

Questions? Call 1-877-395-9210 or visit www.horizondatasettlement.com.

The Lawyers Representing You7
The Court’s Final Approval Hearing7
If You Do Nothing.....8
Getting More Information8

BASIC INFORMATION

The Court authorized this notice because you have a right to know about the Settlement, and all of your options, before the Court decides whether to give “final approval” to the Settlement. This notice explains the nature of the lawsuit that is the subject of the Settlement, the general terms of the Settlement, and your legal rights and options.

United States District Court Judge Eleanor L. Ross of the Northern District of Georgia is overseeing this case captioned as *Sherwood, et al. v. Horizon Actuarial Services, LLC*, No. 1:22-cv-01495-ELR (N.D. Ga.). The people who brought the lawsuit are called the Plaintiffs, Justin Sherwood, Lindsey Quan, Tabatha Bedont f/k/a Tabatha Johnson, Greg Torrano, Jennifer Hill, Sia Moody, Anthony Ruiz, Alice Dodd, Frederick Lewis, Douglas Ackman, Ryan Evans, Amber Thomas, and Maria and, Chavez. The entity being sued, Horizon Actuarial Services, LLC, is called the Defendant.

The lawsuit claims that Defendant was responsible for the Data Security Incident and asserts claims such as: negligence, negligence *per se*, unjust enrichment, declaratory judgment and injunctive relief, invasion of privacy, violation of the Arkansas Deceptive Trade Practices Act, violation of the California Consumer Privacy Act, violation of California’s Customer Records Act, violation of the unlawful and unfair prong of California’s Unfair Competition Law, violation of Idaho’s Consumer Protection Act, violation of the Illinois Consumer Fraud Act, violation of Louisiana’s Database Security Breach Notification Law, violation of Louisiana’s Unfair Trade Practices and Consumer Protection Law, violation of Nevada’s Deceptive Trade Practices Act, violation of North Carolina’s Unfair Trade Practices Act, violations of Oregon’s Unfair Trade Practices Act, and violations of O.C.G.A. § 13-6-11.

Defendant denies these claims and says it did not do anything wrong. No court or other judicial entity has made any judgment or other determination that Defendant has any liability for these claims or did anything wrong.

In a class action, one or more people called class representatives or representative plaintiffs sue on behalf of all people who have similar claims. Together, all of these people are called a class, and the individuals are called class members. One court resolves the issues for all class members, except for those who exclude themselves from the class.

The Court has not decided in favor of the Plaintiffs or Defendant. Instead, both sides agreed to the Settlement. The Settlement avoids the cost and risk of a trial and related appeals, while providing benefits to members of the Settlement Class (“Settlement Class Members”). The Class Representatives appointed to represent the Settlement Class and the attorneys for the Settlement Class (“Class Counsel,” see Question 18) think the Settlement is best for all Settlement Class Members.

Questions? Call 1-877-395-9210 or visit www.horizondatasettlement.com.

WHO IS IN THE SETTLEMENT?

You are affected by the Settlement and potentially a member of the Settlement Class if you reside in the United States and your Private Information may have been impacted during the Data Security Incident, including if you were mailed a notification by or on behalf of Horizon Actuarial regarding the Data Security Incident.

Only Settlement Class Members are eligible to receive benefits under the Settlement. Specifically excluded from the Settlement Class are (1) the judge presiding over the class action lawsuit and her direct family members; (2) the Defendant, its subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest and their current or former officers, directors, and employees; and (3) Settlement Class Members who submit a valid request to be excluded from the Settlement.

If you are not sure whether you are included in the Settlement, you may call 1-877-395-9210 with questions. You may also write with questions to:

Horizon Actuarial Settlement Administrator
PO Box 4298
Portland, OR 97208-4298
www.horizondatasettlement.com

THE SETTLEMENT BENEFITS – WHAT YOU GET IF YOU QUALIFY

The Settlement provides that Defendant will fund the following payments up to a total of \$8,733,446.36: (a) up to \$5,000 for reimbursement of your documented Out-of-Pocket Losses reasonably traceable to the Data Security Incident; (b) \$25 per hour, up to a total of \$125, for Settlement Class Members who attest that the time claimed was actually spent as a result of the Data Security Incident; and (c) an up to \$50 payment, subject to adjustment as set forth below. Settlement Class Members who were living in California at the time of the Data Security Incident may claim an additional payment of up to \$50.

Defendant will also fund a \$50,000 Designated *Cy Pres* Payment, to be paid from the Settlement Fund.

The Cash Payment and California payment will be dispersed after the distribution of attorneys' fees, Class Counsel's litigation expenses, Notice and Administrative Expenses, Designated *Cy Pres*, and other Settlement benefits to claimants. The amount of these Cash and California payments are subject to pro rata reduction as needed in the event that the total claims exceed the \$7,750,000 cap on payments to be made by Defendant. Any uncashed checks will be expended from the Settlement Fund through a *cy pres* distribution. Payment of (1) attorneys' fees, costs, and expenses (see Question 19) and (2) the costs of notifying the Settlement Class and administering the Settlement will also be paid out of the Settlement Fund.

Settlement Class Members who submit a claim are eligible to receive one or more of the following benefits:

- a) Reimbursement of actual, documented, unreimbursed Out-of-Pocket Losses resulting from the Data Security Incident (up to \$5,000 in total), such as the following incurred on or after November 10, 2021:
 - any costs incurred from credit monitoring services or ordering copies of your credit report;

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- late fees, declined payment fees, overdraft fees, returned check fees, customer service fees, and/or card cancellation or replacement fees;
 - late fees from transactions with third parties that were delayed due to fraud or card replacement;
 - unauthorized charges on credit, debit, or other payment cards that were not reimbursed;
 - parking expenses or other transportation expenses for trips to a financial institution to address fraudulent charges or receive a replacement payment card;
 - costs incurred obtaining credit freezes; and
 - other expenses that are reasonably attributable to the Data Security Incident that were not reimbursed;
- b) Compensation for time spent (lost time) remedying issues related to the Data Security Incident, up to 5 hours at \$25.00/hour for time spent in response to the Data Security Incident for a total amount of up to \$125 (subject to the \$5,000 cap on Out-of-Pocket Losses); and/or;
- c) A cash payment of up to \$50 for Settlement Class Members who were living in California at the time of the Data Security Incident), and a cash payment of up to \$50 for all Settlement Class Members who claim it. These payments may be adjusted downward pro rata based on how many other claims are made.

HOW DO YOU SUBMIT A CLAIM?

To receive a benefit under the Settlement, you must complete and submit a claim for that benefit (a “Claim”). Every Claim must be made on a form (“Claim Form”) available at www.horizondatasettlement.com or by calling 1-877-395-9210.

The Settlement Administrator will decide whether and to what extent any Claim made on each Claim Form is valid. The Settlement Administrator may require additional information. If you do not provide the additional information in a timely manner then the Claim will be considered invalid and will not be paid.

The Court will hold a Final Approval Hearing on **March 25, 2024 at 10:00 a.m. ET** to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals from that decision and resolving those can take time, perhaps more than a year. It also takes time for all the Claim Forms to be processed. Please be patient.

WHAT DOES DEFENDANT GET?

The Defendant gets a release from all claims covered by this Settlement. Thus, if the Settlement becomes final and you do not exclude yourself from the Settlement, you will be a Settlement Class Member and you will give up your right to sue Defendant and other persons (“Released Parties”) as to all claims (“Released Claims”) arising out of or relating to the Data Security Incident. This release is described in the Settlement Agreement, which is available at www.horizondatasettlement.com. If you have any questions you can talk to the law firms listed in Question 18 for free or you can talk to your own lawyer.

Questions? Call 1-877-395-9210 or visit www.horizondatasettlement.com.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to be part of this Settlement, then you must take steps to exclude yourself from the Settlement Class. This is sometimes referred to as “opting out” of the Settlement Class.

If you exclude yourself you will not be entitled to receive any benefits from the Settlement, but you will not be bound by any judgment in this case.

Unless you exclude yourself, you give up any right to sue Defendant (and any other Released Parties) for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you want to exclude yourself, then do not submit a Claim Form to ask for any benefit under the Settlement.

To exclude yourself, send a letter that says you want to be excluded or opt-out from the Settlement in *Sherwood, et al. v. Horizon Actuarial Services, LLC*, No. 1:22-cv-01495-ELR (N.D. Ga.). The letter must: (a) state your full name, address, and telephone number; (b) contain your personal and original signature or the original signature of a person authorized by law to act on your behalf; and (c) state unequivocally your intent to be excluded from the Settlement. You must mail your exclusion request postmarked by **January 22, 2024**, to:

Horizon Actuarial Settlement Administrator
Attn: Exclusion Request
PO Box 4298
Portland, OR 97208-4298

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it by objecting to the Settlement. The Court will consider your views in its decision on whether to approve the Settlement. The Court can only approve or deny the Settlement and cannot change its terms. To object, you must mail your objection to the Clerk of the Court and the Settlement Administrator, at the mailing addresses listed below, postmarked by **no later** than the Objection Deadline, **January 22, 2024**:

Court	Settlement Administrator
Clerk of the Court Richard B. Russell Federal Building 2211 United States Courthouse 75 Ted Turner Drive, SW Atlanta, GA 30303-3309	Horizon Actuarial Settlement Administrator PO Box 4298 Portland, OR 97208-4298

Your objection must be written and must include all of the following: (1) the name of the proceedings; (2) the Settlement Class Member’s full name, current mailing address, and telephone number; (3) a statement of the specific grounds for the objection, as well as any documents supporting the objection; (4) the identity of any attorneys representing the objector; (5) a statement regarding whether the Settlement Class Member (or his/her attorney) intends to appear at the Final Approval Hearing; (6) a statement identifying all class action settlements objected to by the Settlement Class Member in the previous five years; and (7) the signature of the Settlement Class Member or the Settlement Class Member’s attorney.

Questions? Call 1-877-395-9210 or visit www.horizondatasettlement.com.

Objecting is telling the Court that you do not like the Settlement and why you do not think it should be approved. You can object only if you are a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class and do not want to receive any payment from the Settlement. If you exclude yourself, then you have no basis to object because you are no longer a member of the Settlement Class and the case no longer affects you. If you submit both a valid objection and a valid request to be excluded, you will be deemed to have only submitted the request to be excluded.

THE LAWYERS REPRESENTING YOU

The Court appointed Terence R. Coates of Markovits, Stock & DeMarco, LLC; Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC; and Kenya J. Reddy of Morgan & Morgan as Class Counsel to represent the Class. If you want to be represented by your own lawyer, then you may hire one at your own expense.

Class Counsel will ask the Court for an award for attorneys' fees up to \$2,911,148.79, plus litigation expenses not to exceed \$50,000. Defendant has agreed not to object to any award of attorneys' fees, costs, and expenses up to those amounts, to the extent they are approved by the Court. This payment for any attorneys' fees and expenses to Class Counsel will be made out of the Settlement Fund. Any such award would compensate Class Counsel for investigating the facts, litigating the case, and negotiating the Settlement and will be the only payment to them for their efforts in achieving this Settlement and for their risk in undertaking this representation on a wholly contingent basis.

Any award for attorneys' fees and expenses for Class Counsel must be approved by the Court. The Court may award less than the amount requested. Class Counsel's papers in support of final approval of the Settlement will be filed no later than March 11, 2024 and their application for attorneys' fees, costs, and expenses will be filed no later than January 8, 2024 and will be posted on the settlement website.

THE COURT'S FINAL APPROVAL HEARING

The Court will hold a Final Approval Hearing at **10:00 a.m. ET on March 25, 2024**, at 2167 Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303, or by remote or virtual means as ordered by the Court. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely and valid objections, then the Court will consider them and will listen to people who have asked to speak at the hearing if such a request has been properly made. The Court will also rule on the request for an award of attorneys' fees and reasonable costs and expenses. After the hearing the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The hearing may be moved to a different date or time without additional notice, so Class Counsel recommend checking **www.horizondatasettlement.com** or calling 1-877-395-9210.

Class Counsel will present the Settlement Agreement to the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so. If you send an objection, you do not have to visit the Court to talk about it. As long as you filed your written objection on time with the Court and mailed it according to the instructions provided in Question 16, the Court will consider it.

Questions? Call 1-877-395-9210 or visit www.horizondatasettlement.com.

You may ask the Court for permission to speak at the final fairness hearing. To do so, you must file an objection according to the instructions in Question 16, including all the information required. Your objection must be **mailed** to the Clerk of the Court and Settlement Administrator postmarked no later than **January 22, 2024**.

IF YOU DO NOTHING

If you do nothing you will not get any money from this Settlement. If the Settlement is granted final approval and the judgment becomes final, then you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant and the other Released Parties based on any of the Released Claims related to the Data Security Incident, ever again.

GETTING MORE INFORMATION

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement itself. A copy of the Settlement Agreement is available at **www.horizondatasettlement.com**. You may also call the Settlement Administrator with questions or to receive a Claim Form at 1-877-395-9210.

This Notice is approved by the United States District Court for the Northern District of Georgia. **DO NOT CONTACT THE COURT DIRECTLY IF YOU HAVE QUESTIONS ABOUT THE SETTLEMENT.** Please contact the Settlement Administrator or Class Counsel if you have any questions about the Settlement.

Questions? Call 1-877-395-9210 or visit www.horizondatasettlement.com.